

## **KANAB CITY COUNCIL MEETING**

**APRIL 14, 2015**

### **KANE COUNTY COMMISSION CHAMBERS**

**PRESENT:** Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, Recorder Joe Decker, Attorney Jeff Stott and Secretary Katherine Ohlwiler.

**WORK MEETING:** Mayor Houston opened the work meeting and at 6:35 PM Director of the Greyhound Gathering Claudia Presto addressed the Council when and where the annual Greyhound Gathering is going to be.

Mayor Houston opened and called to order the regularly scheduled council meeting at 7:00 PM.

Prayer was offered by Joe B. Wright and the pledge was led by Jeff Stott.

**APPROVAL OF AGENDA:** A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Wright to approve the agenda for April 14, 2015. Motion passed unanimously.

**APPROVAL OF MINUTES:** A motion was made by Council Member Chamberlain and 2<sup>nd</sup> by Council Member Brown to approve the minutes of the March 24, 2015 meeting with corrections. Motion passed unanimously.

**APPROVAL OF ACCOUNTS PAYABLE VOUCHERS:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Brown to approve the check register for April 14, 2015 in the amount of \$275,354.55. Motion passed unanimously.

**PUBLIC COMMENT PERIOD:** None

### **DISCUSS CHANGING OUTDOOR SERVING AGREEMENT WITH VICTOR COOPER OF THE ROCKING V**

**CAFE:** Mayor Houston explained that in 2007 the City Council approved for Mr. Victor Cooper to be able to serve alcohol at his tables on the sidewalk as long as it wasn't served in the original container which has turned out to be a nuisance. Mr. Cooper was there asking for approval to be able to serve in the original container. Mr. Cooper expressed that he hadn't heard of this stipulation anywhere else and that a restaurant liquor license requires that a customer orders food too. He monitors the drinking and there hasn't been a problem at all. It has become a hindrance to his business. Council Member Burggraaf brought up the point that visual exposure to alcoholic beverages on children increases their likelihood to partake in underage drinking. He thinks that the extra burden on Mr. Cooper is hopefully a deterrent on additional underage drinking. Wally Thompson wondered if it would help to cover the bottle with a sleeve. Police Chief Tom Cram expressed that he hasn't had any complaints and that the reason Mr. Cooper was attending the meeting because Mr. Cram asked him to so that he's in compliance. Charlie Saba explained a number of drinks look similar to beer and it's ridiculous that just because there's a bottle there on the table that it's going to change the real situation

A motion was made by Council Member Chamberlain and 2<sup>nd</sup> by Kirt Carpenter to approve Mr. Cooper's request to allow him to serve alcohol on public property in the original containers.

**FURTHER DISCUSSION:** Brent Chamberlain added that if there is truly a concern about the influence on youth then they shouldn't be allowing it in the other restaurants either but there's not a lot of local kids going up and down that street so he doesn't see it as a concern from a safety standpoint. Council Member Burggraaf wondered if this was state property and the City shouldn't be making the decision at all. Mayor Houston explained that the City has jurisdiction to decide what happens anywhere behind the curb. Unless there is a major breaking of the law then the state will step in. Council member Wright said that he wasn't interested in undoing what a previous council had already done but it would be his preference that alcohol not be sold on public property. Burggraaf moved to amend that upon approval of the Council a formal agreement also be drafted. A roll call vote was taken Council Members Kirt Carpenter yea, Cheryl Brown yea, Kent Burggraaf nay, Brent Chamberlain yea, Joe B. Wright yea. Motion passed.

Mayor Houston proclaimed April 18, 2015 as Arbor Day. Alana Robinson was awarded Artist of the Year and also two members of the Juniper Founders were awarded for Art Supporters of the Year.

A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Burggraaf to appoint Jeff Frey to the Beautification Committee with a term ending December 31, 2018. Motion passed unanimously.

A motion was made by Council Member Carpenter and 2<sup>nd</sup> by Council Member Chamberlain to award RFP for Design Services of the Airport Terminal to Mesa Design not to exceed \$67,700.00. Motion passed unanimously by roll call vote.

A motion was made by Council Member Carpenter and 2<sup>nd</sup> by Council Member Chamberlain to award RFQ for Airport Planning Services to Aviation to make the Master Plan. Motion passed unanimously by roll call vote.

A motion was made by Council Member Brown and 2<sup>nd</sup> by Council Member Carpenter to pass resolution 4-1-15R Municipal Waste Water Plan 2014. Motion passed unanimously by roll call vote.

A motion was made by Council Member Burggraaf to go into Public Hearing. A roll call vote was taken Council Members Kirt Carpenter yea, Cheryl Brown yea, Brent Chamberlain yea, and Joe B. Wright voted nay. Council Member Burggraaf amended his motion to go in and out of Public Hearing at the call of the Mayor. Council Member Carpenter 2<sup>nd</sup> the motion. Motion passed.

## **OUT OF PUBLIC HEARING**

A motion was made by Council Member Burggraaf and 2<sup>nd</sup> by Council Member Carpenter to approve the Lot Line adjustment subdivision Unit #3 Lots 287 & 288 with the condition that the City Engineer gives approval and that the two lot owners sign the map prior to its recording. Making the finding that notice has been given to the surrounding property owners and no objection has come forward. A roll call vote

was taken Council Members Kirt Carpenter yea, Cheryl Brown yea, Brent Chamberlain yea, and Joe B. Wright abstained. Motion passed.

A motion was made by Council Member Chamberlain and 2<sup>nd</sup> by Council Member Wright to approve the beer license application for Sego restaurant to Matt Walters. Motion passed unanimously.

**CLOSED SESSION:** A motion was made by Council Member Wright and 2<sup>nd</sup> by Council Member Chamberlain to go into a Closed Session to discuss the golf course pending or reasonably imminent litigation, purchase, exchange, or lease of real property, and the character, professional competence or physical or mental health of an individual. Motion passed unanimously.

A motion was made by Council Member Burggraaf and 2<sup>nd</sup> by Council Member Chamberlain to have staff carry out what was discussed in the closed session. Motion passed unanimously.

A motion was made by Council Member Chamberlain and 2<sup>nd</sup> by Council Member Wright to adjourn. Motion passed.